

### REMARKS/ARGUMENTS

Favorable reconsideration of this application is respectfully requested in view of the above amendments and the following remarks.

Claims 1-3, 6-8 and 11-16 remain pending in this application. By this amendment, Claims 1, 2, 6, 7, and 11 have been amended. As these amendments are clarifying in nature and made to respond to the various rejections under 35 U.S.C. § 112 in the Office Action, it is respectfully submitted that no new matter has been added.

In the outstanding Office Action, Claims 2 and 7 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite; and Claims 1-3, 6-8, and 11-16 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Bjorn (U.S. Patent No. 6,035,398) in view of Wuidart et al. (U.S. 2003/0103629 A1, hereinafter “Wuidart”) and Rowe et al. (U.S. 2002/0009213 A1, hereinafter “Rowe”).

With reference to the Response to Arguments section of the Office Action, it is respectfully submitted that in the amendment filed July 2, 2009 there is no statement that “the “variation patterns” and the “image data” are the same.” Rather, the discussion in the upper portion of page 8 of that amendment is intended to convey that the calculation of hamming distances is the same. Nevertheless, taking into consideration the remarks in the “Response to Arguments” section and the Rejection of Claims 2 and 7 under 35 U.S.C. § 112, second paragraph, as being indefinite, clarifying amendments have been made to Claims 1, 2, 6, 7, and 11.

Responsive to the rejection of Claims 2 and 7 under 35 U.S.C. § 112, second paragraph, as being indefinite, clarifying amendments have been made to Claims 2 and 7. More specifically, the recitations of the hamming distances in Claims 2 and 7 has been clarified. Accordingly, it is respectfully requested that this rejection be reconsidered and withdrawn.

Accordingly, in view of the above, it is respectfully requested that the rejections of claims 2 and 7 under 35 U.S.C. § 112, second paragraph, be reconsidered and withdrawn.

Claim 1 recites:

an imaging unit configured to perform imaging on a target and to output analog first and second signals, the first signal including image data of an inside portion of the unique confidential target, and the second signal including uniform image data of a uniform imaging target to create variation patterns unique to the imaging unit;

an identification unit configured to perform analog/digital conversion on the first signal having the image data of the inside portion of the unique confidential target to create identification information;

a creation unit configured to perform analog/digital conversion on the second signal having the variation patterns unique to the imaging unit by performing an algorithm on the second signal to create encryption key information; and

an encryption unit configured to encrypt the identification information by using the encryption key information.

Claims 6 recites similar subject matter in method format and Claim 11 recites similar subject in means-plus-function format. It is respectfully submitted that these features are neither disclosed by nor rendered obvious by Bjorn, Wuidart, Rowe or any conceivable combination thereof.

The Office Action correctly recognizes “[h]owever, Bjorn does not specifically teach outputting of a variation patterns signal that is specific to the imaging unit or using these variations patterns to generate an encryption key.”

The Office Action further asserts “Wuidart discloses outputting said second signal including variation patterns specific to the imaging unit (**Wuidart, paragraphs 11-13, teaches having a physical parameter of a network be used to revoke a key for that device.**)”. Applicant respectfully disagrees.

Wuidart describes “the use of a secret quantity coming from an integrated circuit or from an electronic sub-assembly element containing such a circuit.”<sup>1</sup> Wuidart further states “such a secret quantity [can be used] by programs such as an encryption key.”<sup>2</sup> Wuidart explains “[t]he use of an identifier coming from a physical parameter network, for example, to authenticate an integrated circuit chip or to code a datum that it provides, is more and more appreciated.”<sup>3</sup> In Wuidart “[a] feature of the present invention is to associate with a physical parameter network providing a first digital word linked to the manufacturing of an integrated circuit at least one shift register, preferably with a linear retroaction, and to use the digital word provided by the shift register to form the secret quantity of the integrated circuit.”<sup>4</sup> Thus, in Wuidart a digital word is generated from a physical parameter of a network and submitted to at least one retroaction shift register to output a secret quantity.<sup>5</sup>

Wuidart is not directed to imaging a target. Wuidart does not output a first signal including an image data of an inside portion of the unique confidential target and a second signal including image data of a uniform imaging target to create variation patterns unique to the imaging unit. Therefore, Wuidart does not describe, teach, suggest or otherwise render obvious encrypting information on a unique confidential target as recited in the claims. That is Wuidart generates a secret quantity per se from a physical parameter of a network. Therefore, Wuidart in combination with Bjorn fails to describe or render obvious the features of Claims 1, 6 and 11 described above.

Rowe fails to correct the deficiencies of Bjorn and Wuidart pointed out above because Rowe fails to describe or render obvious the features of Claims 1, 6 and 11 described above.

It is respectfully submitted that Claims 2, 3, 7, 8 and 12-16 are patentable at least for the reasons argued with above with regard to the claims from which they depend.

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<sup>1</sup> Paragraph [0002].

<sup>2</sup> Paragraph [0002].

<sup>3</sup> Paragraph [0004].

<sup>4</sup> Paragraph [0041].

<sup>5</sup> See Claim 1.

Accordingly, it is respectfully requested that the rejections of Claims 1-3, 6-8 and 11-16 be reconsidered and withdrawn, and that Claims 1-3, 6-8 and 11-16 be found allowable.

Consequently, for the reasons discussed in detail above, no further issues are believed to be outstanding in the present application and the present application is believed to be in condition for formal allowance. Therefore, a Notice of Allowance is earnestly solicited.

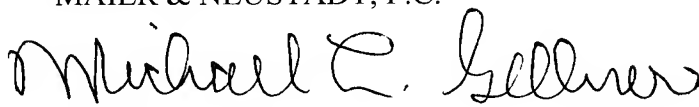
Should the Examiner deem that any further action is necessary to place this application in even better form for allowance, the Examiner is encouraged to contact the undersigned representative at the below-listed telephone number.

Respectfully submitted,

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A handwritten signature in black ink, reading "Michael L. Gellner". The signature is written in a cursive style with a horizontal line underneath the name.

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